

Case: 25CI1:20-cv-00068-EFP Document #: 2 Filed: 01/30/2020 Page 1 of 4

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

VICKIE TAYLOR

PLAINTIFF

VS.

CIVIL ACTION NO.

20-68

WAL-MART TRANSPORTATION,
LLC; TERRY HERNDON; AND
JOHN DOES 1 THROUGH 10

DEFENDANTS

COMPLAINT
(JURY TRIAL REQUESTED)

COMES NOW Vickie Taylor (hereafter "Ms. Taylor"), the Plaintiff, by and through her attorney(s) of record, and files this Complaint as follows:

PARTIES

1. Ms. Taylor is an adult resident citizen of the Second Judicial District of Hinds County, Mississippi and presently resides at ; Terry, Mississippi 39170.
2. Defendant, Wal-Mart Transportation, LLC, is a foreign limited liability company organized under the laws of the State of Delaware with its principal place of business in Bentonville, Arkansas, but that is doing business in the State of Mississippi and that may be served with the process of this Court through its registered agent, CT Corporation System, located at 64 Lakeland East Drive; Suite 101; Flowood, Mississippi 39232.
3. Defendant, Terry Herndon, is an adult resident citizen of Craighead County, Arkansas, and may be served with the process of this Court at his residential address of ; Jonesboro, Arkansas 72401; or wherever he can be found. At all times relevant to this matter, Defendant, Terry Herndon, was acting in the course and scope of his employment with Defendant, Wal-Mart Transportation, LLC. Alternatively, at all times relevant to this matter, Defendant, Terry Herndon, was acting as the agent of Defendant, Wal-Mart Transportation, LLC

Accordingly, Defendant, Wal-Mart Transportation, LLC, is vicariously liable for the negligence of Defendant, Terry Herndon, in this matter.

4. Defendants, John Does 1 through 10, are the owners, operators, managers, and all other entities, corporate and/or individuals, of the vehicle that was being operated by Defendant, Terry Herndon, at the time of the complained of incident and who were in some manner negligently and proximately responsible for the events and happenings alleged in this Complaint and for Ms. Taylor's injuries and damages.

JURISDICTION AND VENUE

5. This Court has jurisdiction of the parties and the subject matter of this action. Venue is as this civil action arises out of negligent acts and omissions committed in the First Judicial District of Hinds County, Mississippi, and the cause of action occurred and accrued in the First Judicial District of Hinds County, Mississippi.

FACTS

6. Ms. Taylor adopts and herein incorporates by reference each and every allegation as set forth above.

7. On or about August 29, 2017, Ms. Taylor was driving her vehicle north in a lawful and prudent manner on Interstate 55 North in Jackson, Hinds County, Mississippi.

8. At the same time that Ms. Taylor was driving her vehicle north in a lawful and prudent manner on Interstate 55 North in Jackson, Hinds County, Mississippi, Defendant, Terry Herndon, was driving a 2015 Freightliner Cascadia tractor trailer south on Interstate 55 North in Jackson, Hinds County, Mississippi, in the course and scope of his employment or as the agent of Defendant, Wal-Mart Transportation, LLC, directly behind Ms. Taylor.

9. Defendant, Terry Herndon, recklessly, carelessly, and negligently caused a collision to take place between his vehicle and Ms. Taylor's vehicle.

10. The collision was caused by the recklessness, carelessness, and negligence of Defendant, Terry Herndon, for that among other acts, Defendant, Terry Herndon:

(A) Operated his vehicle at a high, dangerous and excessive rate of speed under the circumstances then and there existing on Interstate 55 North in Jackson, Hinds County, Mississippi;

(B) Failed to reduce his speed to avoid a collision on Interstate 55 North in Jackson, Hinds County, Mississippi;

(C) Failed to observe due care and precaution and to maintain proper and adequate control of his motor vehicle while driving it on Interstate 55 North in Jackson, Hinds County, Mississippi;

(D) Failed to keep a proper lookout for other vehicles lawfully on Interstate 55 North in Jackson, Hinds County, Mississippi;

(E) Failed to exercise reasonable care in the operation of the motor vehicle he was operating under the circumstances then and there existing on Interstate 55 North in Jackson, Hinds County, Mississippi;

(F) Followed Ms. Taylor's vehicle too closely while driving his vehicle on Interstate 55 North in Jackson, Hinds County, Mississippi;

(G) Committed other acts of negligence that will be proven at the trial of this cause.

11. Defendant, Wal-Mart Transportation, LLC, is vicariously liable for the actions of Defendant, Terry Herndon, as alleged in this Complaint.

12. As a direct and proximate result of the negligence of the Defendants, Wal-Mart Transportation, LLC, and Terry Herndon, as set forth above, Ms. Taylor sustained damages

Case: 25CI1:20-cv-00068-EFP Document #: 2 Filed: 01/30/2020 Page 4 of 4

including but not limited to serious physical injuries; past, present, and future pain and suffering; past, present and future medical expenses; lost wages; loss of wage earning capacity (loss of future wages); and other damages that will be proven at the trial of this matter.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, Ms. Taylor requests a trial by jury and demands judgment for damages including but not being limited to actual, compensatory, consequential, and incidental damages, for physical injuries; past, present and future pain and suffering, past, present and future medical expenses, lost wages; loss of wage earning capacity (loss of future wages); and any other special damages that may be incurred by her, together with attorneys' fees, costs of suit and any further relief as the court may deem proper.

Respectfully submitted this the 30th day of January, 2020.

VICKIE TAYLOR

By: _____

GERALD L. KUCIA (MSB #8716)

Gerald L. Kucia, Esq. (MSB# 8716)
MORGAN & MORGAN, PLLC
4450 Old Canton Road
Suite 200
Jackson, Mississippi 39211
Telephone: (601) 949-3388
Facsimile: (601) 949-3399
E-mail: Gkucia@forthepeople.com